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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,835	04/02/2001	Koji Shibata	Q63810	8472
7590	08/16/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			NGUYEN, THUAN T	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/822,835

Applicant(s)

SHIBATA, KOJI

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 5/24/05 has been entered.

### *Claim Rejections - 35 USC 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rebhan et al (WO 99/14874).

Regarding claim 1, Rebhan discloses a broadcast receiver (Fig. 4 and page 25/lines 4-29) comprising:

a station selection part for selecting a broadcast station specified by a station selection command, i.e., a broadcast station is identified using a digital audio broadcast receiver (page 5/lines 9-22 and by a tuner 471 of Fig. 4);

a detection and demodulation part for receiving a radio wave from said broadcast station, and detecting and demodulating said radio wave to generate a received signal

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(page 5, line 23 to page 6/line 2 for alternative channels are detected and demodulator 472 of Fig. 4);

a signal analyzing part for analyzing said received signal and determining a signal processing mode (page 6, lines 3-29 for technique of analyzing and determining signal mode and DSP 473 for processing and analyzing the received signals);

a station selection controlling part for generating said station selection command using the result from said signal analyzing part, and a reception status detecting part for interrupting, while receiving one broadcast station, the reception of said one broadcast station and receiving other broadcast stations based on said station selection command, thereby detecting a reception status of radio waves from other stations (page 6, line 23 to page to col. 8/line 2 for a list of all or selected frequencies are selected and determined as well as alternative frequencies, which refer to other digital tuned channels or stations, and the DSP further extracts the signals for output to speaker for which station or channel is being tuned).

As for claim 2, this limitation is met as Rebhan discloses the extraction of a control signal from the received signal and analyzing it to check whether the received signal is interleaved along the time axis (Fig. 3 and page 23/line 24 to page 25/line 3 for extraction of signals along the time axis with null symbols and received frequencies).

As for claim 3, this limitation is met as Rebhan discloses the signal analysis part detects the amount of interleave included in the control signal for analysis, and the station selection controlling part generates the station selection command in accordance with the

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result of the detection and analysis (Fig. 5 for the process of detecting for analysis, and the result of the detection, refer to page 26/line 3 to page 27/line 18).

As for claims 4 and 5, these limitations are met as Rebhan discloses the evaluation of the reception status of the currently receiving radio wave as well as a guard interval period in their signal within the station selection controlling part (Fig. 4, page 25/lines 4-29 for a digital signal processing means 473).

As for claim 6, Rebhan meets this limitation as the routine loops back for checking or restarting the reception of another broadcast station after the other (Fig. 5).

As for claims 7-12, claims 7-12 are method claims of system claims 1-6 and are rejected for the reasons given in the scope of claims 1-6 as disclosed above.

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hunsinger (PTO 892 attached) disclose digital audio broadcasting systems.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to the New Central Fax number:**

**(571) 273-8300, (for Technology Center 2600 only)**

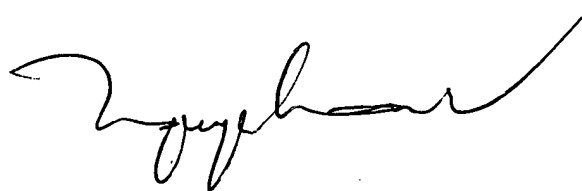
Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TONY T. NGUYEN**  
**PATENT EXAMINER**

Tony T. Nguyen  
Art Unit 2685  
August 3, 2005